

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL C. BETTS, JR.,

Plaintiff,

vs.

**SERGEY V. YASINSKIY; MIKHAIL V.
YASINSKIY; HERBERT RODRIGUES; M &
H TRAILERS, INC., an Oregon Corporation;
and YMV TRANSPORT, INC., a Washington
Corporation,**

Defendants.

CIVIL CASE NO: 8 : 1 2 - CV - 2 6

COMPLAINT AND JURY DEMAND

THE PLAINTIFF ALLEGES FOR CAUSE OF ACTION:

I.

The jurisdiction of this court is based upon diversity of citizenship in a controversy in excess of \$75,000.00. Title 28 U.S.C.A. Section 1332(a)(1), et seq.

II.

That at all times material herein, the plaintiff, Michael C. Betts, Jr., is a resident of Littleton, Arapahoe County, Colorado, and was at all times herein mentioned the driver of a 2006 Datsun Quest Minivan automobile.

III.

That at all times material herein, the defendant, SERGEY V. YASINSKIY, is a resident of Vancouver, Clark County, Washington, and was at the time relevant, the driver of a 2000 Bricklin Single Unit Truck.

IV.

That at all times material herein, the defendants, MIKHAIL V. YASINSKIY, HERBERT RODRIGUES, M & H TRAILERS, INC. and YMV TRANSPORT, INC., and each of them by and through their duly authorized agent and employee, defendant SERGEY V. YASINSKIY, owned, operated, managed, maintained and controlled the 2000 Bricklin Single Unit Truck operated by defendant SERGEY V. YASINSKIY on January 24, 2008.

V.

That on or about January 27, 2008 and at all times mentioned herein, Defendant SERGEY V. YASINSKIY, while operating the aforesaid truck and trailer, was the agent and

employee of the Defendants MIKHAIL V. YASINSKIY, HERBERT RODRIGUES, M & H TRAILERS, INC., a corporation, and YMV TRANSPORT, INC., a corporation, and each of them, and was acting within the course and scope of that employment and agency.

VI.

That on or about January 27, 2008, at approximately 8:50 p.m., the truck-trailer being operated by Defendant SERGEY V. YASINSKIY was traveling westbound on Interstate Highway 80, approximately 1300 feet west of Milepost 266 in the County of Buffalo and State of Nebraska when it collided with and struck the rear of the vehicle being operated by Plaintiff MICHAEL C. BETTS, JR., also traveling in a westbound direction at the same location. This incident caused personal injuries to the plaintiff.

COUNT I: NEGLIGENCE

VII.

Plaintiff realleges, as if fully set forth herein, paragraphs I through VI above.

VIII.

At all times referenced herein, the Defendants M & H TRAILERS, INC., by and through its duly authorized agent, employee and/or servant, SERGEY V. YASINSKIY and SERGEY V. YASINSKIY, Individually, had a duty to those traveling on Interstate Highway 80, including Plaintiff MICHAEL C. BETTS, JR., to exercise reasonable care with respect to the operation, maintenance, management and control of the aforesaid truck and attached trailer.

IX.

At the aforementioned time and place, the Defendants M & H TRAILERS, INC., by and through its duly authorized agent, employee and/or servant, SERGEY V. YASINSKIY, and SERGEY V. YASINSKIY, Individually, were then and there guilty of one or more acts of negligence.

X.

The incident described in paragraph VI above was the proximate result of the negligence of the Defendants MIKHAIL V. YASINSKIY, HERBERT RODRIGUES, M & H TRAILERS, INC., a corporation, and YMV TRANSPORT, INC., a corporation, and their employee driver, Defendant SERGEY V. YASINSKIY, and such negligence was the cause of plaintiff's injuries.

XI.

That as a direct and proximate result of one or more acts of negligence of the Defendants, the Plaintiff sustained serious and permanent injuries and other related damages, as follows:

- 1) Loss of earnings, benefits, and loss of earning capacity from the time of the accident to the present, and in the future;
- 2) Pain, suffering and mental anguish, including the effect of his injury on the normal pursuits and pleasures of life, experienced from the date of the accident to the present and reasonably likely to endure in the future as a result of his injury;
- 3) Mental pain, suffering and anguish from the loss of two natural-born children, who were passengers in his vehicle at the time of the accident further described above;
- 4) Mental pain, suffering and anguish as a result of being a bystander to the deaths of his two natural-born children, who were passengers in his vehicle at the time of the accident further described above;
- 5) The reasonable value of medical, hospital, nursing and similar care and supplies reasonably needed by and actually provided to the plaintiff and reasonably certain to be needed and provided in the future; and
- 6) The reasonable value of damage to his personal property.

WHEREFORE, Plaintiff prays for a money judgment against the Defendants for damages suffered herein together with costs expended herein.

COUNT II – NEGLIGENT ENTRUSTMENT

XII.

Plaintiff realleges, as if fully set forth herein, paragraphs I through X above.

XIII.

On and prior to January 27, 2008, the Defendants, MIKHAIL V. YASINSKIY, HERBERT RODRIGUES, M & H TRAILERS, INC., a corporation, and YMV TRANSPORT, INC., a corporation, and each of them owned, managed, and controlled the truck with the

attached trailer being operated by the Defendant, SERGEY V. YASINSKIY, their duly authorized agent.

XIV.

On and prior to January 27, 2008, the Defendants, MIKHAIL V. YASINSKIY, HERBERT RODRIGUES, M & H TRAILERS, INC., a corporation, and YMV TRANSPORT, INC., a corporation, and each of them had a duty to forego entrusting the truck with the attached trailer to an individual that they knew or reasonably should have known was an inexperienced, incompetent, and reckless driver and/or otherwise incapable of properly operating a truck with an attached trailer without endangering others.

XV.

At the aforementioned time and place, and prior thereto, the Defendants MIKHAIL V. YASINSKIY, HERBERT RODRIGUES, M & H TRAILERS, INC., a corporation, and YMV TRANSPORT, INC., a corporation, and each of them breached the aforesaid duty and negligently entrusted the truck with the attached trailer to the Defendant, SERGEY V. YASINSKIY.

XVI.

That as a direct and proximate result of the aforesaid careless and negligent act of the Defendants, the Plaintiff, MICHAEL C. BETTS, JR., was seriously and permanently injured and incurred damages and related expenses as set forth in Count I of this Complaint.

WHEREFORE, Plaintiff prays for a money judgment against the Defendants for damages suffered herein together with costs expended herein.

JURY DEMAND

Plaintiff demands trial by Jury in Omaha, Nebraska.

DATED on this 16th day of January, 2012.

MICHAEL C. BETTS, JR., Plaintiff.

s/John P. Inserra
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